

Chapter 5: Implementation

5.0 Implementation

Introduction

The five subchapters in this section provide detailed guidelines for implementing the goals and objectives listed in Chapter 3. Each subchapter outlines a proposed or existing approach to the subjects mandated by the Montana Growth Policy statutes, 76-1-601 et seq., MCA. These subjects include:

1. “A description of policies, regulations, and other measures to be implemented in order to achieve the goals and objectives...” (76-1-601(d), MCA). The implementation strategies are contained in subchapter 5.1.
2. “A strategy for development, maintenance, and replacement of public infrastructure, including drinking water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection facilities, roads, and bridges (76-1-601(e), MCA). The City and County capital improvements strategies are described in subchapter 5.2.
3. “An implementation strategy that includes a timetable for implementing the growth policy; a list of conditions that will lead to a revision of the growth policy; and a timetable for reviewing the growth policy at least once every five years and revising the policy if necessary (76-1-601(f), MCA). Subchapter 5.3 presents a timeline for

evaluating the growth policy and lists conditions that may lead to a revision.

4. Subchapter 5.4 discusses how Yellowstone County will coordinate and cooperate with the City of Billings on matters related to the growth policy as required by 76-1-601(g), MCA.
5. “A statement explaining how the governing bodies will define the criteria in 76-3-608(3)(a) [subdivision review criteria], evaluate and make decisions regarding proposed subdivisions with respect to the [subdivision review criteria] (76-1-601(h), MCA). The definition and evaluation criteria are presented in subchapter 5.5 along with “a statement explaining how public hearings regarding proposed subdivisions will be conducted” (76-1-601(i), MCA).

5.1 Implementation Tools and Strategies

Introduction

The tools available to implement a Growth Policy are limited by legal authority, by administrative cost, and to some degree, political acceptance. Implementation tools may be enforced through regulations, adopted as policy by governing bodies or emplaced voluntarily by landowners. They may be mandated by state law or authorized by City Code or County Ordinances. Some tools are simply policies, without the force and effect of law, while others are purely educational. All types of strategies are currently used in Yellowstone County and the City of Billings. The first part of this chapter briefly describes the existing and recommended implementation tools available to the City and County to achieve the Goals and Objectives of this Growth Policy. How these tools are to be applied is described in the second part of this chapter under Implementation Strategies. This section is a critical part of the Yellowstone County Growth Policy in that it specifies the actions recommended to achieve the Goals and Objectives listed in Chapter 3.

Implementation Tools

This section provides general information on a range of planning tools that can be used to implement a growth policy. It includes brief definitions or descriptions for each tool. Some tools are already in use in Billings and Yellowstone County and others are suggested for further consideration. This list is not intended to be comprehensive of all planning tools available to local jurisdictions.

The implementation tools are organized into the following descriptive categories: Regulatory, Planning and Programming, Financial, Educational and Cooperative. **Regulatory tools** are enforced by regulations and are authorized by state statute. Governing bodies adopt **Planning and Programming** tools to demonstrate a commitment to a particular direction or course of action, and can

be employed with discretion. **Financial tools** require a financial commitment to appropriate funds for specific projects. **Educational tools** include a broad range of items used to inform governing bodies, policy makers, and the public on key planning and community development issues. **Cooperative tools** describe an association between departments and agencies to develop joint policies or action plans. These may serve as the basis for creating, reviewing, and revising policies and regulations. Cooperative tools are generally enforced or administered at the discretion of cooperating agencies.

Regulatory Tools

Subdivision Regulations

Counties and incorporated municipalities must adopt subdivision regulations that comply with the Montana Subdivision and Platting Act. Subdivision regulations control the creation of new parcels by imposing design and infrastructure standards and by establishing procedures for local governmental and public review. Regulating the division of land ensures that development can be adequately served without adversely impacting public services and natural resources.

Both the City and County have adopted subdivision regulations. Section 5.5 provides more detailed information on the relationship between subdivision regulations and this Growth Policy. Subdivision regulations are among the most effective tools available for implementation of a growth policy, particularly in areas of the County where zoning, building permits, and other tools may be unavailable and/or infeasible.

Design Standards

Design standards are typically part of subdivision regulations or incorporated into the municipal code to preserve community character, protect property values and ensure public safety. The Montana Subdivision and Platting Act authorizes the adop-

tion of design standards, and self-chartered municipalities may include them in their municipal code.

Design standards can significantly affect the appearance and functionality of a development. For these reasons, they are often employed to address a variety of issues including land use, aesthetics, transportation and public service. Flexible design standards may help reduce costs to the developer. Development costs can also increase if design standards are complex and rigid. Both the City and the County have adopted the Entryway/Interchange zoning regulations, which require a higher level of landscaping and building design in the Entryway/Interchange zoning districts. These districts are at major entryways into the community and are intended to be developed in an attractive and appealing manner. Additional design standards are being developed for the Shiloh Road Corridor as part of the implementation of the *West Billings Plan*.

Zoning Regulations

Zoning is another commonly used tool for implementing land use policy. The historical rationale for zoning was to separate incompatible land uses. Zoning ordinances generally address type of use, intensity of use, and space and bulk requirements. Development and design standards for such things as signage, parking, landscaping, noise, lighting, buildings, and site layout can also be addressed through zoning regulations. A zoning map and the descriptive text of districts are the two critical components of zoning regulations. Municipal or County zoning must comply with the Growth Policy and its amendments.

The Billings-Yellowstone County Unified Zoning Regulations govern zoning in the City and County. Most of the county is not zoned. Billings, Laurel, and Broadview all maintain their own zoning within their corporate boundaries. Laurel has extraterritorial zoning jurisdiction that extends approximately one mile outside of the city limits. Yellowstone County has a zoning jurisdiction that extends out from the Billings city limits approximately 4-1/2 miles. The majority of the zoned property within

Yellowstone County is located in and around the Billings and Laurel urban areas. Additionally, there are a number of citizen-initiated zoning districts located in the County as described in the Land Use Element chapter.

The City of Billings Zoning Ordinance #1099, originally adopted on July 15, 1930, governs zoning within the municipal limits of the City of Billings. Yellowstone County adopted a zoning jurisdiction and regulations by Resolution #34723 on November 6, 1973.

In addition to the more traditional form of zoning, jurisdictions may explore other zoning approaches that can be used to regulate development of property. Some of these alternatives are described below.

Citizen Initiated Zoning

The County Commissioners are authorized to create a planning and zoning district for an area at the request of at least 60 percent of the landowners (76-2-101 et seq., MCA). The area of the district must be over 40 acres and must not have been previously zoned. This type of zoning, conventionally referred to as “citizen-initiated”, allows landowners to plan for and zone an area based on their land use preferences. In Yellowstone County, there are five citizen-initiated or “Special Zoning Districts” administered by the Planning and Zoning Commission. The Commission consists of the Board of County Commissioners, the County Surveyor and the County Clerk and Recorder. It is the responsibility of this Commission to prepare and adopt a development pattern for the physical and economic development of the district. In practice, the development pattern, which resembles a land use plan, is usually prepared by the landowners. The Commission may adopt zoning or other land use regulations to implement the development pattern. As a practicality, the City-County Planning Department takes over the responsibility to administer the districts’ zoning regulations.

Performance Zoning

Performance zoning is an alternative to Euclidian

zoning because it uses measurable standards to regulate land use instead of separating uses by zoning districts. Performance zoning for residential uses can be used to protect natural resources and provide flexibility in the development design. Common performance thresholds established through performance zoning include minimum amount open space, maximum density, and maximum percent of impervious surface.

Performance zoning has also been used to address commercial and industrial uses by requiring more intense uses to meet higher standards for site and building design. For example, the City has adopted the Medical Corridor Permit Zoning District. In this district, a proposal is evaluated for compliance with absolute standards and a point system is used to determine compliance against a set of relative standards. All projects have to meet the absolute standards; then, the more intense the use, the greater the number of relative standards that must be met.

Interim Zoning

Interim zoning may be employed by the City or County as an emergency measure to protect the public health, safety and under the County's authority, morals (76-2-206 and 76-2-306, MCA). A jurisdiction may use interim zoning to prohibit uses that may conflict with a "contemplated zoning proposal" which the governing body is considering. The interim zoning in the County may be effective for one year, but the City can implement it initially for only six months, with an extension up to one year. Interim zoning has been used by the City of Billings and Yellowstone County to implement the Entryway/Interchange zoning regulations until permanent regulations could be adopted.

Transfer of Development Rights

Transfer of Development Rights (TDR) uses zoning to allow owners of land in areas called sending districts to sever the development rights from their property and sell, or otherwise legally transfer those rights to owners of property located in specified receiving districts, where higher intensity

of development is preferred. There are several components essential to a TDR program: a designated protection/preservation area (sending zone), a designated growth area (receiving zone), development rights that can be severed from the land, and a procedure for transferring development rights between properties.

Building Permits

The City Building Division administers building codes for the City and a 4.5 mile jurisdiction surrounding the City. The Building Codes that are adopted by the State, including building, plumbing, mechanical, and electrical, are also required to be adopted by the City. The Code provides the City with minimum standards to safeguard life and property by regulating building construction. They also serve to create an enjoyable and aesthetically pleasing place to live while preserving property values. A building permit is required for almost any type of construction on private property. Several Departments are involved in the review process, including Fire, Engineering, Planning and Community Services and Public Utilities to ensure compliance with their associated codes. Due to changes in state law, the County will no longer require building permits outside the City limits as of October 1, 2003 (HB 640, 2003 Legislative Session).

Floodplain Regulations

The purpose of floodplain regulations is to protect the watercourses and their flood storage areas, as well as the public health, safety, and welfare. Montana state law requires local governments to adopt and enforce floodplain management regulations. The City and the County administer separate floodplain regulations.

Planning and Programming Tools

Long-Range Planning

Critical implementation tools for this Growth Policy are more detailed neighborhood or area plans, and plans to address a particular issue such as transportation, parks and recreation, economic development,

infrastructure or housing. This Growth Policy establishes a framework for future plans by specifying public values through Goals and Objectives. With the adoption of this Growth Policy, plans may be developed that provide a higher level of detail and include content specific to an area or issue.

In addition to the development of new plans, existing plans which presently have a role in decision making may need to be revised and updated. These include the 2000 Urban Area Transportation Plan, The BikeNet Plan, Parks2020, and several neighborhood plans. Updates to these plans could be simple additions or modifications or may require a new approach to become more consistent with the Growth Policy Goals and Objectives.

Annexation Policy

A city expands its boundaries and its jurisdictional authority through the process of annexation. State statute authorizes six separate methods for annexation. Adjacent land may be annexed as described in Parts 42 through 44 of Title 7, Chapter 2, Montana Code Annotated. Wholly surrounded property may be annexed under Part 45 with the exception of land used for agricultural, mining, smelting, refining, transportation, industrial or manufacturing purposes, golf course, cemeteries, or outdoor entertainment uses. Private property owners can petition for annexation as described in Part 46. When property owners petition for annexation, the City's Annexation Policy requires them to enter into an annexation agreement and comply with the other conditions under which annexation will occur. The Annexation Policy is used to help plan for expansion and provision of municipal services.

Urban Planning Area

The City of Billings authorizes the creation of an Urban Planning Area and subsequent expansion of that area (Article 20-300, BMCC). The Urban Planning Area is used to define the geographic extent that can be safely and effectively served by City services. Property that lies within the approved Urban Planning Area may be annexed and may apply for an expansion of water and sewer services.

Urban Renewal Districts

Title 7, Chapter 15, part 42 of the Montana Code Annotated, otherwise known as the Urban Renewal Law, gives municipalities the authority to redevelop and rehabilitate "blighted" areas. State law specifies requirements for preparing Urban Renewal Plans and also authorizes the expenditure of funds on Urban Renewal Districts, including tax increment funds.

Departmental Work Plans

Every City and County department develops annual work plans to assist them in their budgeting process. Work plans establish a list of priority projects that the department can implement within the year, in addition to their regular work duties. For some departments, such as the Planning and Community Services and Parks, Recreation and Public Lands Departments, the annual work plan is reviewed and approved by their citizen advisory boards. Work plans are also programming tools that establish the timeframes for completion of priority tasks and projects.

Financial Tools

Capital Improvements Program

The City adopts an annual Capital Improvements Plan (CIP) which identifies all capital projects that are in excess of \$25,000 and equipment needs in excess of \$5,000. The projects and equipment needs are then prioritized and budgeted over a five year period. The City undertakes a comprehensive review of the Capital Improvements Plan every two years. The importance of a CIP for land use planning is the critical connection between where and when infrastructure is provided and what the desired land use pattern is for a community or neighborhood. Proposals included in the CIP are reviewed for compliance with adopted land use and transportation planning policies.

Fee Incentives

Some City and County departments are authorized to charge fees for their services and facility maintenance. The most common fees are for solid waste service, storm drainage, water and sewer service.

The location of development can be influenced by tying the location to a fee increase or decrease. Municipalities, particularly, have the ability to develop a utility fee structure that can be used as an incentive for directing growth.

Purchase of Development Rights

A Purchase of Development Rights (PDR) program involves the outright purchase of development rights from a private property owner by local or state governments to preserve resource land. Funding for PDRs can come from sources such as bond initiatives, grants, and public matching funds programs. The difference between PDRs and land acquisition is that a property owner in a PDR program can continue to use this land in ways that are consistent with the objectives of the PDR program.

Land Acquisition

Land acquisition programs involve a jurisdiction or organization purchasing land usually for some public benefit. Some communities and organizations have used this tool to purchase land to be used for affordable housing development; others have used it to purchase property for its open space or agricultural value.

Educational Tools

Inventories and Planning Studies

Land use policies and decisions can be better informed if supported by studies and inventories. Typically, these studies help identify and rank critical social, environmental, historic and cultural resources. Studies and inventories can also provide the rational nexus required for exactions and other dedications. The information obtained from these studies must be well organized, accurate and easy to understand. Maps and databases developed using Geographic Information Systems can satisfy these criteria.

Land Evaluation and Site Assessment System (LESA)

The Land Evaluation and Site Assessment (LESA) system helps state and local officials make sound decisions about land use by providing a technical framework to numerically rank land parcels based

on local resource evaluation and site considerations. The results of land evaluation programs can be incorporated into zoning regulations.

Cooperative Tools

Interjurisdictional Coordination and Partnerships

The City and County must coordinate their efforts on several levels to provide safe and dependable services to the public. The Municipal Planning Organization is an important mechanism for ensuring that transportation projects are coordinated between the City and the County. Both have representation in the MPO and jurisdictional interests are further represented by members from the joint City-County Planning Board. The Planning Board is composed of City and County residents and is advisory to both the City Council and the County Commissioners. The Billings Fire Department also cooperates with the County and other Fire District to provide services outside the City. Many quasi-governmental boards also have cooperative agreements with the City and County such as the Billings Downtown Partnership and Big Sky Economic Development Authority. It is through these partnerships that the interest of all jurisdictions are discussed and addressed.

Interagency Coordination

Some federal, state and local government land management agencies share similar responsibilities for the same resources. In some cases, these agencies are not well informed of other agencies' proposed plans or tasks. This lack of communication can result in ineffective policies or inconsistent regulations if agencies do not coordinate their planning and implementation efforts. Opportunities for interagency coordination are particularly possible in land and water conservation areas because the resources overlap agency jurisdictions.

Conservation Easements

Conservation easements are cooperative tools whereby a landowner voluntarily severs the development rights from the property and sells or donates them to a third party. The landowner is able to

retain title to property and use it for resource purposes and at the same time help preserve critical resources such as wildlife habitat, wetlands or riparian areas, agricultural lands, forested lands or land with other scenic or natural resources. The severance of development rights can be done through purchase or donation and may result in a tax benefit to the property owner.

Conservation Reserve Program

In cooperation with the Natural Resource and Conservation Service, eligible farmers and ranchers may participate in the Conservation Reserve Program (CRP) to address soil, water, and related natural resource concerns on their lands in an environmentally beneficial and cost-effective manner. The Conservation Reserve Program reduces soil erosion, protects the Nation's ability to produce food and fiber, reduces sedimentation in streams and lakes, improves water quality, establishes wildlife habitat, and enhances forest and wetland resources. It encourages farmers and ranchers to convert highly erodible cropland and rangeland or other environmentally sensitive acreage to vegetative cover, such as tame or native grasses, wildlife plantings, trees, filterstrips, or riparian buffers. Farmers and ranchers receive an annual rental payment for the term of the multi-year contract. Cost sharing is provided to establish the vegetative cover practices.

Implementation Strategies

As a result of the public involvement process, 45 City and County issues were identified and categorized by Element. Each issue was restated as a goal or positive outcome. Goals and objectives are discussed more thoroughly in Chapter 3 and background information for each Element is given in Chapter 4. The strategies for implementing each goal are listed in this chapter. Strategies employ the tools described in the previous section. The following table restates the issue and presents a policy statement for each issue. Below the policy are the implementation strategies recommended to achieve the goals and objectives and address the issues. Policies and strategies are grouped by Element. The implementation strategies listed below each policy should be regarded as "tools" in the local government "toolbox". One tool may be more appropriate than another given the availability of staff and financial resources, or legal constraints. Under ideal conditions, each tool listed would achieve the desired outcome, but depending on the current conditions, not every tool would be feasible. By providing several options, the best "tool" or "tools" for a given situation may be implemented.

Implementation Strategies: Land Use Element

ISSUE I: Existing neighborhood plans lack sufficient detail to address neighborhood character and preferred land use patterns.

POLICY I: Preserve neighborhood integrity by creating neighborhood plans that specifically address land use issues.

1. Develop a neighborhood plan that:
 - a. Makes recommendations for land use that may include areas suitable for multi-family housing, manufactured home parks, condominiums and basement apartments
 - b. Develops goals for transit and multi-modal paths and trails
 - c. Identifies desired capital improvement projects for the neighborhood
 - d. Assesses the adequacy of parks and open space in the neighborhood
 - e. Supports a full range of housing opportunities
 - f. Minimizes through traffic on local streets
 - g. Discourages parking on local streets for non-residential purposes
- OR** The Planning Board will annually assess the needs of neighborhoods to identify the residents' preference for land use and capital improvement. The assessment shall be conducted in a formally structured process to ensure a representative and reliable indication of residents' preferences.
2. The City and County may prioritize neighborhoods for urban renewal plans (7-15-4206 (18), MCA) to address:
 - a. Any land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation that is proposed to be carried out
 - b. Land uses, maximum densities, building requirements
 - c. The plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreation and community facilities, and other public improvements, service, and facility needs
3. Each neighborhood may develop its own recommendations to establish:
 - a. Minimum development densities
 - b. Height of structures and construction material (pole barn issue)
 - c. Maximum and minimum parking standards
 - d. Appropriate regulations for automobile-oriented retailing and services
 - e. Appropriate land use tools to guide development
 - f. Design standards
4. Each neighborhood may define its boundary.
5. Increase enforcement of zoning and building permit requirements.
6. Review neighborhood plans annually and report implementation progress to the City and County.

ISSUE II: The current zoning ordinances and subdivision regulations do not meet the goal of preventing incompatible uses in and adjacent to existing City neighborhoods and County townsites.

POLICY II: Ensure that development is compatible with the character of the neighborhood and townsites.

1. Revise the zoning ordinance to:
 - a. Reduce uses permitted in Neighborhood Commercial Districts that are inappropriate for residential neighborhoods, such as tattoo parlors and some types of drive-through businesses
 - b. Allow for additional business uses on a limited basis that act as business incubators such as small food processing
 - c. Support mixed use development that exhibits elements of compatibility
 - d. Require landscaped boulevards in developments

2. Revise the zoning ordinance to require commercial development to:
 - a. Use shared service areas including driveways, parking, and service areas
 - b. Consolidate width of driveways and curb cuts across public sidewalks
 - c. Shield service and utility functions
 - d. Limit surface parking between the front of the building and the sidewalk
 - e. Orient new development in a similar fashion as existing development
 - f. Provide a reasonable transition in scale, including height of structure and density
 - g. Use similar materials
 - h. Provide landscaped edges in developed areas to define the edges and visually screen automobile or other service uses
3. The City and County may extend the application of its zoning as means to prevent incompatible uses and manage growth.
4. Create standards to include in the zoning ordinance that defines compatibility and considers such factors as:
 - a. Residential development would be no more than one story difference to adjoining uses
 - b. Create similar vehicular trip generation
 - c. Have no greater lot coverage
 - d. Contain proportionally no more parking spaces, out buildings or garages than neighboring development
 - e. Setbacks would deviate no more than 10%
 - f. Use of similar building materials
5. The City and County may adopt interim zoning as an emergency measure to address incompatible uses.
6. Encourage the use of private covenants, conditions and restrictions for subdivisions.
7. Revise zoning codes to permit manufactured homes on larger lots (RMH-7,000, RMH-8,000).
8. Revise subdivision regulations to include design standards for manufactured home parks to ensure compatibility with surrounding neighborhoods.

ISSUE III: Rural townsites are not prepared to handle increased growth.

POLICY III: Equip rural townsites with tools to plan for increased population or to plan to increase population.

1. Involve rural school districts and fire districts in plans.
2. Prepare community plans, similar to neighborhood plans for Broadview, Acton, Lockwood, Shepherd, Huntley Project (Huntley, Worden and Ballantine) and Custer. The community plan will:
 - a. Make recommendations for land use that include areas suitable for manufactured home parks
 - b. Identify desired capital improvement projects for the community
 - c. Assess the adequacy of parks and recreation facilities in the community
 - d. Support a full range of housing opportunities
 - e. Minimize through traffic on local streets, improve safety of intersections with State highways and improve safety of State secondary routes and County section line roads
 - f. Resolve issues with unmarked railroad crossings
3. Each community may develop its own recommendations to establish:
 - a. Appropriate land use tools to guide development, such as zoning
 - b. Capital improvement and facility priorities
 - c. A community planning committee that will oversee implementation of the plan
 - d. A water and/or sewer district
 - e. Funding sources including Community Development Block Grants and Human Resources Development Council grants

4. Each community may define its boundary.
5. Provide technical and funding assistance to help implement area plans.
6. Review community plans annually and report progress to the County Commissioners.
7. Continue to implement County community decay ordinance.
8. Encourage the use of citizen-initiated zoning for unzoned, County communities and subdivisions (76-2-101 et seq., MCA).

ISSUE IV: Urban sprawl threatens the rural character of land surrounding Billings, increasing the cost of providing public services, and threatens the vitality of the City core and Downtown.

POLICY IV: Coordinate efforts to concentrate development in and adjacent to the existing City limits.

1. Provide fee and development standard incentives for urban infill development and or low to moderate income housing. Strategies may include:
 - a. Fee zones based on distance to water and wastewater treatment plants
 - b. Prorated charge for service extensions
 - c. Fee waivers
 - d. Density and open space incentives offered to developers
 - e. Phased tax relief and City development subsidies
 - f. Tiered cost of service districts.
 - g. Impact fees (City only).
2. Implement the West Billings Plan by adopting recommended changes to the zoning ordinances and subdivision regulations and expanding the County Zoning jurisdiction.
3. Evaluate and adopt appropriate rural growth management techniques designed to concentrate development while preserving agricultural land, sensitive natural environments and open space which may include:
 - a. A program to transfer development rights or purchase development rights
 - b. Cluster or conservation-style development
 - c. Performance zoning designed to limit large lot subdivisions
 - d. A performance evaluation for development proposals based on the Land Evaluation and Site Assessment (LESA) system developed by the U.S. Department of Agriculture, Soil Conservation Service
4. Define Urban Planning Area and limit development beyond that boundary.
5. Exempt proposed subdivisions that lie within the City zoning jurisdiction from the requirements of an environmental assessment. The Planning Board may exempt subdivisions that petition for annexations within the Urban Planning Area or that have completed an Urban Planning Area expansion study from an environmental assessment if they comply with the adopted Annexation Policy.
6. Annexations proposed using Part 47, Chapter 2, Title 7 Montana Code Annotated must comply with the adopted Annexation Policy and any adopted neighborhood or area plan that includes the area of the proposed annexation.
7. Revise zoning code to increase the lot size required for land used for agricultural purposes.

ISSUE V: There is a serious lack of affordable housing for low to moderate income households.

POLICY V: Enable the development of affordable housing in appropriate areas throughout the City and County.

1. Direct staff to evaluate the alternatives available for affordable housing and bring them to the governing bodies for consideration.
2. Provide incentives for affordable housing projects by reducing infrastructure and permitting requirements where appropriate.
3. Develop Downtown housing strategies.
4. Support the City's Affordable Housing strategies by training code enforcement, police, and County Health personnel on housing rehabilitation and homebuyer assistance programs.
5. Ensure that multi-family units are compatible with surrounding land use.
6. Continue County's involvement with the Community Housing Resource Board.

ISSUE VI: Mixed-use neighborhoods are not encouraged or supported.

POLICY VI: Create diverse and vibrant neighborhoods that offer convenient places to work and shop within walking distance of residences.

1. Modify zoning regulations to include:
 - a. Mixed-use development zones
 - b. "Urban village overlay zones"
 - c. Performance zones based on building types, not use
2. Add mixed-use or planned unit development design standards in subdivision regulations.
3. Evaluate the potential to rezone portions of commercial strips to allow for mixed-use, especially vacant shopping malls.
4. Formulate more types of single family zoning districts.

Implementation Strategies: Economic Development Element

ISSUE I: Lack of focus in economic development.

POLICY I: Promote locales for economic development assistance or "Employment Clusters".

1. Support efforts to revitalize Downtown by increasing investment and capital improvements in Downtown Billings.
2. Attract better paying jobs.
3. Target employment clusters using public and private partnerships.
4. Encourage existing businesses to expand.
5. Support business linkages that locate close to support services.
6. Facilitate the development of vacant infill parcels.
7. Utilize targeted employment clusters when developing public/private partnerships.
8. The Planning and Community Services Department shall take a greater role in economic development including data base development, mapping, and resource information.
9. Inventory infill opportunities and create a Transfer of Development Rights system for infill incentives.

ISSUE II: Lack of living wage jobs.

POLICY II: Attract businesses with a minimum average annual wage equal to the living wage index¹.

1. Report regularly to public on how economic development dollars are spent.
2. Identify and implement secondary and post-secondary training programs to meet employer needs.
3. Coordinate efforts among City, County, schools and major businesses.
4. Support the goals identified by Big Sky Economic Development Authority to attract new businesses and retain existing businesses by providing them with economic development resources.
5. Develop collaborative partnerships with various economic development efforts throughout Yellowstone County.
6. Provide community information and permitting assistance to businesses looking to relocate to Yellowstone County or existing businesses wishing to expand.
7. Improve marketing of our community to employers paying a living wage.

ISSUE III: The entryways to our communities are unattractive and present other physical barriers discouraging economic development.

POLICY III: Create attractive entryways and improve access to and through Billings and Yellowstone County.

1. Provide incentives for businesses in the areas of design, landscaping, etc.
2. Implement and enforce a Public Nuisance Ordinance in the City.
3. Establish entryway zoning along routes leading to interstate interchanges.
4. Designate areas within the zoning jurisdiction as “Business Parks”. Design traffic circulation within these Business Parks and truck routes to these Business Parks to accommodate existing businesses and minimize conflicts with adjacent neighborhoods.
5. Commit City and County resources, where appropriate, to maintain attractive and welcoming infrastructure at all entryways to Billings and Lockwood.
6. Implement the 2000 Billings Urban Transportation Plan recommending improved connections between Interstate 90 and Highway 3, Highway 3 and Molt Road, and Northwest Billings and Interstates 90 and 94.
7. Study railroad crossing options stemming from citizen concerns raised by the “Over, Under and Around” Committee that would improve access to and from Downtown.
8. Install directional signs to important destinations and welcome signs at the entrances of neighborhoods, townsites and Downtown Billings.
9. Construct and maintain attractive rest areas in the urban interstate corridor in conjunction with Montana Department of Transportation.

ISSUE IV: Government supported programs and improvements are not sufficiently funded.

POLICY IV: Find better way to fund government services.

1. Mitigate insurance and assessed value increases on property.
2. Consider implementing some form of City service funding through sales tax or local option tax if tied to property tax reduction.

ISSUE V: Like many other Montana cities, the economic viability of Downtown Billings is uncertain.
POLICY V: Support private and public initiatives to strengthen the economic viability of Downtown Billings.

1. Create new tax increment finance districts if after analysis the existing TIF was demonstrated to be effective.
2. Support economic development efforts that would encourage a sustainable Downtown economy.
3. Facilitate programs that would encourage property renovation in the Downtown.
4. Foster partnerships between major employers to encourage them to remain or move Downtown.
5. Increase parking in the Downtown to encourage economic development.
6. Create a Business Improvement District to replace the Downtown tax increment finance district.
7. Reevaluate administration and financial decision making of the tax increment finance district.

Implementation Strategies: Aesthetics Element

ISSUE I: There are areas in the City and County that present a poor image of the community.
POLICY I: Certain areas have been targeted to increase the aesthetic or visual quality of the community: the Rimrocks, the Yellowstone River, Downtown Billings and urban streetscapes.

1. **Rimrocks.** The face of the rimrocks has the advantage of being unbuildable due to topography. Strategies to preserve the view corridor created by the rimrocks include:
 - a. Prepare a detailed study on the status and location of billboards along N. 27th and 6th Avenue N. and work with sign owners to cure nonconformities.
 - b. Develop safe trails along the base or top of the rimrocks to allow for public access
 - c. Limit antennas, towers, utility and communication lines in the vicinity of the rimrocks
 - d. Review regulations that control development and all signage
 - e. Limit building height near the edge of the rimrocks
 - f. Publicly acquire rimrock property
 - g. Reduce allowable building and structure heights in areas in proximity to the rims
2. **Yellowstone River.** The river is the front door of Yellowstone County. Strategies to protect the river include:
 - a. Restrict further industrial zoning adjacent to the Yellowstone River
 - b. Implement the recreational plans in Parks2020 and Yellowstone River Greenway Master Plan and include historical and cultural resources of Yellowstone River
 - c. Extend public open space and access along the riverfront
 - d. Strict enforcement of building restrictions in the floodway and floodplain
 - e. Expand noxious weed removal program along river banks
 - f. Revegetate degraded areas with native species
 - g. Organize annual cleanup day for individual neighborhoods
3. **Downtown.** Recent streetscape improvements have made a big difference in the aesthetics of Downtown. Strategies to further improve the visual experience in the Downtown are:
 - a. Encourage public art initiatives such as the Horse of Course on City and County properties
 - b. Adopt a Public Art Master Policy for Downtown
 - c. Expand the Downtown Historic District with property owner involvement
 - d. Investigate methods of creating revenue for development of public art.

4. **Streetscape.** Pedestrian friendly streets and neighborhoods result in a high quality of life. Strategies to improve the urban streetscape include:
 - a. Require street trees to be planted along boulevard walks
 - b. Permit special street signage to identify neighborhoods
 - c. Encourage boulevard sidewalks in residential developments

ISSUE II: New development and signs, cell towers, power lines and other structures could reduce the visual quality of the rims.

POLICY II: Maintain an undeveloped buffer zone along the sandstone cliffs or “Rimrocks” surrounding Billings.

1. Prepare a Visual Resource Preservation Plan that includes an inventory of important visual resources and recommended plan of action to preserve those resources. Involve all stakeholders in the planning process and arrive at consensus.
2. Adopt subdivision regulations that favor park land dedication along the face and top of rimrocks.
3. Publicly acquire land along the face and top of the rimrocks to eliminate the potential of inappropriate development.

ISSUE III: Urban interstate corridors through the County are unattractive.

POLICY III: Create a visually appealing urban interstate corridor.

1. Construct tourist information centers at key interstate interchanges in the urban corridor.
2. Reevaluate the need for appropriate sign standards for the corridor.
3. Landscape and irrigate major intersections through Billings.
4. Negotiate with MDT for better clean up and maintenance of interstate right-of-way.
5. Revise landscaping requirements for property development along the interstate right-of-way.
6. Screen outdoor storage within the corridor.
7. Encourage the continuation of planted berms adjacent to the refinery areas.
8. Construct attractive interchange signs to welcome visitors to Billings.

Implementation Strategies: Natural Resources Element

ISSUE I: The quality of the Yellowstone River and the associated riparian habitat is threatened.

POLICY I: Strive to protect the Yellowstone River so that wildlife, wildlife habitat, water quality and quantity, recreational activities and aesthetic values will be preserved.

1. Coordinate planning and management efforts with other land management agencies in efforts to protect and preserve stream banks, floodplains and riparian habitats.
2. Support river protection measures by establishing a conservation corridor along the Yellowstone River as recommended in the BikeNet and the Yellowstone River Greenway Master Plan. Provide incentives or disincentives as improvement requirements in subdivision regulations.
3. Monitor the amount of development activity in and adjacent to the Yellowstone River to detect negative trends. Adjust Zoning and Floodplain Regulations to minimize or eliminate development pressure on the natural system.
4. Complete floodplain mapping on the Yellowstone, Clarks Fork and Big Horn Rivers.
5. Promote best management practices to ensure compatible and suitable land development in the river valley.

ISSUE II: Water is an important resource and it is becoming scarcer.

POLICY II: Protect groundwater quality and conserve existing water supplies.

1. Implement Phase II Stormwater Regulations in the City of Billings and Yellowstone County.
2. Identify areas of groundwater recharge and shallow groundwater, including wetland mapping, and adopt protective land use controls.
3. Identify best management practices to detain on-site storm water runoff that would result in long term functioning facilities.

ISSUE III: Due in part to the arid nature of our environment and the remoteness of some developments, there is an increased risk to human life and property from wildfires.

POLICY III: Reduce the risk of wildfire and limit the amount of property damage resulting from wildfires.

1. Adopt subdivision regulations that require adequate fire protection. Fire protection facilities may include the installation of dry hydrants, cisterns and sprinklers. Subdivision design, building placement, and landscaping can be modified to minimize wildfire risk.
2. Adopt the State Wildland/Urban Interface Code.
3. Encourage in-fill development to eliminate sprawl by providing development incentives.
4. Identify and map areas of wildfire risk.

ISSUE IV: Weeds detract from the beauty of an area, pose a fire danger, and reduce the productivity of agricultural land.

POLICY IV: Control the existing infestation of noxious weeds with the goal of eradication and prevent the introduction of new noxious weed species.

1. Continue ongoing state and local efforts to educate landowners, County departments and other agencies on weed control.
2. Adopt subdivision regulations and development standards that require weed control and compliance with the County Weed Management Plan.
3. Adopt a City Weed Management Plan in compliance with State law and revise subdivision regulations to require compliance with the plan.
4. Implement “weed free” gravel mine requirements in Yellowstone County.
5. Aggressively pursue multi-treatment techniques including, biological, chemical, and land use techniques to reduce or eliminate the spread of noxious weeds. Emphasize biological controls.
6. Develop a cooperative weed management agreement between the City of Billings and Yellowstone County to ensure County weed plans are implemented.

ISSUE V: Human encounters with wildlife often result in a painful consequence for wildlife, pets and humans.

POLICY V: Minimize conflicts between wildlife and residential development.

1. Identify and map areas of important wildlife habitat.
2. Educate landowners and school districts to the presence and habits of wildlife in their area through the preparation of a “rural development” brochure to be distributed to rural landowners and schools.
3. Promote and enforce conservation style subdivisions in areas of important wildlife habitat that concentrate development away from sensitive habitat.
4. Install traffic control signs that alert motorists to the presence of wildlife.

ISSUE VI: Certain development is damaging our natural resources.

POLICY VI: Preserve environmentally sensitive areas.

1. Identify and map environmentally sensitive resources throughout the County.
2. Implement subdivision regulations that require setbacks from watercourses and establish buffer zones designed to protect riparian habitat.
3. Consider a County-wide permissive levy for public land acquisition.
4. Introduce landowners and developers to voluntary open space preservation programs such as the Conservation Reserve Program, wetland banking and conservation easements.
5. Develop a network of greenway corridors that connect the Yellowstone River and other drainages with City neighborhoods and outlying communities.
6. Encourage further study of landslide and rockfall potential in the County.
7. Map flood prone areas in Yellowstone County in accordance with the Federal Emergency Management Agency (FEMA) program, and state and local standards.
8. Identify floodplains that may be utilized for emergency flood corridors, as well as parks, greenways, multi-purpose trail networks, and other recreational uses.

Implementation Strategies: Open Space and Recreation Element

ISSUE I: Some neighborhood parks appear to receive more funding for improvements than other neighborhood parks.

POLICY I: Provide for the rational distribution of parks and recreation facilities among neighborhoods and outlying communities.

1. Encourage the County to develop and maintain County parkland.
2. Retain and maintain parks in existing neighborhoods.
3. Implement a Park Maintenance District to include the City and surrounding County properties.
4. Enable neighborhoods and communities to make choices on park funding mechanisms.
5. Solicit neighborhood involvement in the preparation of park improvement planning and programming.
6. Implement Parks2020 and Yellowstone River Greenway Master Plan parkland acquisition recommendations.
7. Cash received for subdivision park dedication purposes shall be used to acquire, develop or maintain parks or recreational areas within reasonably close proximity to the proposed subdivision. The City or County Park Boards shall monitor the expenditure of park funds to ensure this is accomplished.
8. Sell unusable County park land to fund other County park improvements.

ISSUE II: Billings and Yellowstone County need more major recreation facilities and need to improve those we already have.

POLICY II: Prioritize and program the construction and maintenance of major recreational facilities.

1. Develop a proposal for a City-County Park Maintenance District and Park Improvement District. Submit to voters within the City and County Planning Jurisdiction the question of whether or not the Districts should be created.
2. Acquire private donations and grants through Billings Park, Recreation and Preservation Fund.
3. Utilize the Capital Improvements Planning process to schedule construction of an Aquatic Center and rehabilitation of Cobb Field.

4. Reconsider placing the Aquatic Facility Bond issue on the ballot to acquire funding for the planned facility in addition to other grant sources.
5. The County Commission would welcome a constituent initiated county-wide Open Space mill levy to be placed on the ballot to provide funding for acquisition of open space.

ISSUE III: Private land development sometimes restricts access to public land.

POLICY III: Ensure continued access to public lands managed for recreational purposes.

1. Identify and map existing access to public recreational land.
2. Seek private funding sources and private easements.
3. Adopt subdivision regulations that prohibit eliminating existing access to public recreational land.
4. Acquire public right-of-way for recreational purposes through existing and proposed development that is acceptable to adjoining residence.

ISSUE IV: Billings and surrounding County townsites need more multiple use trails.

POLICY IV: Continue to integrate a multi-purpose trail network into the community infrastructure that emphasizes safety, environmental preservation, resource conservation and cost effectiveness.

1. Adopt the update of the non-motorized transportation plan to include more multiple use trails throughout the County.
 - a. Ensure that the plan designates corridors and routes that would be conducive for future trail development
 - b. Ensure that the plan provides direction and policy to implement the trail plan
2. Aggressively pursue using the canal systems for trail corridors.
3. Provide shoulders or bike lane improvements on City streets and County roads.
4. Continue to use CTEP and other transportation funding sources to maintain and construct trails.
5. If a City-County Park Improvement and Park Maintenance District is created, it should include provisions to improve and maintain multiple use trails.
6. Include corridor preservation and trail development as part of new subdivision review.
7. Enable neighborhoods and the community to be a part of the trail placement and design as sections of the trail are developed.
8. Adopt bicycle and pedestrian-friendly development review procedures and design standards.
9. Actively pursue private easements for multiple use trails.
10. Increase interdepartmental cooperation to use public land corridors for multiple purpose trails.
11. Acquire and maintain public access above and below the rimrocks.
12. Prior to the acquisition of open space, ensure that a long range funding mechanism is in place to control weed infestation on the acquired property.

ISSUE V: Public access to areas above and below the rimrocks is limited and decreasing each year.

POLICY V: Preserve existing and develop new opportunities for public access to the rimrocks.

1. Acquire dedicated land or easements through the subdivision process that ensure public access above and below the rims.
2. Encourage land owners to grant recreational easements that provide access above and below the rims.

ISSUE VI: Public access to area along the Yellowstone River is limited and decreasing each year.

POLICY VI: Preserve existing and develop new opportunities for public access to the Yellowstone River.

1. Acquire dedicated land or easements through the subdivision process that ensure public access to the Yellowstone River as identified by the Yellowstone River Greenway Master Plan and the BikeNet Plan.
2. Encourage land owners to grant recreational easements that provide access to the Yellowstone River.
3. Explore creative opportunities to create new areas open to public access along the Yellowstone River, such as:
 - a. Removing fences restricting access to public right-of-way at bridges
 - b. Wetland banks
 - c. Land trades
 - d. State fishing accesses
 - e. Conservation easements

Implementation Strategies: Transportation Element

ISSUE I: Speeding in City neighborhoods and outlying communities

POLICY I: Ensure traffic speeds in neighborhoods and townsites are maintained at safe levels.

1. Design roads to reduce speeds.
2. Use traffic calming devices when approved by neighborhood or community residents.
3. Enforce speed limits.
4. Educate public about safety aspects of speeding in residential areas by posting informational signage.
5. Work with the Montana Department of Transportation and Highway Commission to implement desired speed limits on State routes.
6. Utilize speed display equipment.
7. Police and Sheriff should become more vested in neighborhoods and townsites through increased presence.

ISSUE II: Safe and efficient traffic circulation around and through the City.

POLICY II: Improve traffic circulation throughout the urbanized area.

1. Give higher priority to small traffic control projects such as striping, signing and signaling.
2. Move forward with the North By-Pass route.
3. Designate truck routes on arterial and collector streets and improve truck route signage.
4. Prepare a Transportation Plan for Lockwood and other rural townsites.
5. Plan for and construct new north-south connections to alleviate congestion on existing connections and cut-through traffic in neighborhoods.
6. Use traffic calming devices in residential neighborhoods to discourage cut-through traffic and ensure pedestrian safety.

ISSUE III: Lack of adequate traffic control.**POLICY III: Standardize traffic control to improve traffic flow and alleviate congestion.**

1. Adopt a plan to analyze and upgrade traffic signals that will improve level of service ratings at intersections.
2. Coordinate road construction projects with public utility projects.
3. Institute a standardized public information system for road construction and other public infrastructure projects.
4. Closely monitor accident rates at unsignalized intersections and develop appropriate safety projects to reduce these rates.
5. Coordinate road construction projects to ensure efficient traffic flow.
6. Bring traffic controls in school zones into compliance with State law.

ISSUE IV: The design of roads, streets and pedestrian facilities can be more attractive and functional.**POLICY IV: Update design standards for roadways, streets and sidewalks.**

1. Design road segments to include clear vision triangles, landscaped boulevards and medians, and safe pedestrian crossings, especially in urban growth areas.
2. Use context sensitive traffic calming devices to control traffic and improve aesthetics.
3. Adopt context sensitive design standards for major travel corridors such as Laurel Road, Main Street, Shiloh Road, North and South 27th Street, and Highway 87 near MetraPark.
4. Adopt sidewalk standards based on a rational approach that considers street hierarchy, land use, connectivity and population densities.
5. Annex all roadways between proposed annexations and existing City limits.

ISSUE V: Obstacles to efficient and safe traffic flow.**POLICY V: Eliminate transportation barriers between neighborhoods and institute programs to ensure convenient and safe access to neighborhoods.**

1. Coordinate traffic signals.
2. Develop and implement a plan to improve railroad crossings within the community.
3. Program and construct additional routes to access Downtown and West End from the Heights.
4. Develop a program for situating employment centers in the Heights to reduce commuter traffic.
5. Eliminate barriers to public funding for street improvements.

ISSUE VI: Deteriorated conditions of City streets and County roads.**POLICY VI: Provide City and County residents with well-maintained streets and roads through a scheduled maintenance and replacement program.**

1. Revise subdivision regulations to require all new County subdivisions to create Rural Special Improvement Districts to maintain public roads.
2. Continue programming City street improvements through the City's Capital Improvements Plan.
3. Continue the ongoing City program of maintaining pavement markings, signals, signs and street lights.
4. Continue to cost-share road improvements with County residents to address immediate concerns.

ISSUE VII: Resources for transportation improvements should be rationally allocated throughout City neighborhoods and County townsites.

POLICY VII: Ensure that programmed transportation projects are rationally distributed among neighborhoods and outlying communities.

1. Implement a community-wide Transportation District for improvements on arterials.
2. Meet with the neighborhood task forces and County townsite residents regularly to establish priorities.
3. Give small neighborhood and rural townsite projects funding consideration.
4. Coordinate street and traffic projects with public utility projects.

ISSUE VIII: More people should ride the MET.

POLICY VIII: Encourage the use of alternative transportation modes.

1. Construct a downtown transfer center.
2. Increase the “Buses and Bikes” program.
3. Consider the use of smaller buses when replacing existing buses.
4. Continue to implement existing and consider additional programs to encourage bus ridership including extended hours, new or extended bus routes to recently annexed areas, and promotional events.
5. The City and County shall institute alternative modes incentive programs for their employees.
6. The Alternative Modes Coordinator shall work with community employers to assist with establishing alternative modes incentive programs.
7. The City and County shall consider allowing employees to flex their work schedules to coincide with bus arrival and departure times.
8. Study adjusting bus schedules to serve work force, middle schools, high schools and Metra Park, and extend bus service to Lockwood, the Airport, and newly annexed areas.

ISSUE IX: The sidewalk system in the City needs upgrading; many sidewalks are cracked and broken.

POLICY IX: Maintain and replace sidewalks when necessary.

1. Where appropriate, sidewalk policies should address alternatives to pedestrian facilities such as multi-purpose improved trails, undeveloped pathways, and shared roadways.
2. Sidewalk requirements in the subdivision regulations and the Sidewalk Construction Standards should address the need, location, timing and design of sidewalks that are consistent with a comprehensive sidewalk plan.
3. Utilize the sidewalk inventory to develop a comprehensive sidewalk plan for the City and immediately adjacent County areas, including Lockwood.
4. The City will update its School Sidewalks Improvement Study including an inventory of existing conditions, ranking priority routes according to need, and identifying funding for replacement and installation.

ISSUE X: Lack of circulation connection in subdivisions and neighborhoods.

POLICY X: Minimize the impact generated by new subdivisions on existing development.

1. Revise City and County subdivision regulations to:
 - a. Require subdividers to demonstrate how the subdivision will impact traffic on existing subdivision roads and streets
 - b. Require subdivisions to provide multiple outlets, when appropriate.
 - c. Require subdivisions to provide for the continuation of pedestrian and bicycle access as identified by the BikeNet or Heritage Trails Plans
 - d. Revise subdivision regulations to require a higher level of review for subsequent minor subdivisions

ISSUE XI: Some gravel County subdivision roads are dusty and rough due to the nature of aggregate surfaces.

POLICY XI: County subdivision roads will meet applicable County road standards.

1. Revise County subdivision regulations to:
 - a. Require County subdivision roads to be public roads. Private roads would be allowed only if public access is restricted
 - b. Require Rural Special Improvement Districts to be created for all public County subdivision roads
 - c. Specify applicable road standards for County subdivision roads that meet or exceed existing County road standards
 - d. Require the subdivider to obtain all County subdivision road and driveway approach permits prior to filing the final plat
 - e. Develop criteria and standards for paving subdivision roads

Implementation Strategies: Public Facilities and Services Element

ISSUE I: Residents are not adequately informed of County and City projects.

POLICY I: The public shall be informed of applications, plans and programs in a manner that is timely and accessible.

1. Advertise incentive or assistance programs.
2. The County and City websites shall have direct links to all scheduled public meetings and hearings that shall provide accurate and current information. Ways to inform citizens about Public Works projects include:
 - a. Notifying neighborhood task forces
 - b. Notifying Adjacent Neighborhood Committee
 - c. Creating more task forces in the City and County
 - d. Advertising on radio and television
 - e. Scheduling media time and space for news items
 - f. Publishing advertisement in local newspapers
 - g. Corresponding through interactive e-mail
3. The City and County shall promote accurate and timely media coverage of projects being considered by the City Council or County Commissioners.
4. Seek ways to more effectively and consistently communicate information on annexations, zoning applications and subdivision applications via the website and other methods.
5. Notices of all scheduled public meeting and hearings shall be clearly posted at all appropriate City and County facilities.
6. Notify neighborhoods and broader areas of infrastructure projects prior to the beginning of the project. Make notification a requirement of the project.
7. Key City and County contacts shall be knowledgeable of how to access information on scheduled public meetings and hearings.
8. Post subdivision and annexation applications on the property in a manner similar to zoning applications.

ISSUE II: Dilapidated and unsafe properties in City neighborhoods and County townsites.

POLICY II: Commit resources to abating deteriorated and unsafe buildings, junk vehicles and unsightly garbage accumulation on private property.

1. The City and County should adopt a Minimum Standards Ordinance or Decay Ordinance that would require private properties to meet minimum safety requirements. Abatement programs should be
 - a. Clear and explained to residents before implementation by the Code Enforcement staff
 - b. Flexible, not overly restrictive, especially about how people meet standards
 - c. Coordinated between the City and County code enforcement
2. City and County Departments may assist homeowners to improve the appearance of their properties when it has been determined that the homeowner is financially or physically incapable of meeting regulations through existing programs. Programs available should be advertised.
3. Prior to undertaking an urban renewal project, the City shall prepare an Urban Renewal Plan in accordance with 7-15-4206, MCA and this Growth Policy and any adopted neighborhood or area plan that includes the area of the proposed urban renewal project.
4. Code enforcement shall be a priority responsibility of the City and the County.
5. The County should implement an “Amnesty Program” that assists violators with licensing and other paper work to bring their business into compliance with State law and local regulations.

ISSUE III: Safety is a concern in neighborhoods and outlying County townsites.

POLICY III: Protect the lives and properties of all citizens and visitors and improve the quality of life in our communities.

1. Encourage infill through incentive programs to concentrate City services.
2. Ensure adequate resources (more people) for public safety, especially as City annexes.
3. Utilize neighborhood task forces or councils and townsite committees to inform residents of Police or Sheriff activity in their communities.
4. Maintain acceptable levels of fire protection.
5. Incorporate principles of crime prevention through environmental design:
 - a. Natural surveillance (the use of natural materials to facilitate open views to doors and windows)
 - b. Natural access control (the use of natural materials to enhance or discourage access to buildings)
 - c. Territorial reinforcement (the use of natural and architectural elements to describe boundaries of private property)
6. As City annexes, maintain public safety services for existing or central City.
7. Continue to establish Neighborhood Watch programs.
8. Explore the use of interlocal agreements with adjoining jurisdictions to share law enforcement services.

ISSUE IV: Public funds are not distributed rationally throughout City neighborhoods and County townsites.

POLICY IV: Strive to meet the needs of neighborhoods and townsites in a timely and fair manner.

1. As part of neighborhood and area plans, inventory and map public improvements completed in neighborhoods and townsites in the past five years.
2. The City and County will work with neighborhood and townsite residents to identify and prioritize public improvements through a capital improvement planning process.
3. The City and County will involve neighborhood and townsite residents in decision of capital improvement expenditures through a capital improvement planning process.

4. The City and County will coordinate with school districts and residents to reduce the likelihood of school closures or minimize the impacts of school closures.
5. Improve knowledge of and access to grant funds but do not let CDBG funds entirely supplant General Funds for eligible neighborhoods and townsites.
6. Ensure that projects in the Capital Improvements Plan are consistent with this Growth Policy, neighborhood plans, and other approved plans.
7. Simplify the development process and clarify ordinances.
8. Encourage regional utilities by selling City utilities as an alternative to annexation.

ISSUE V: There are vacant structures around Billings and in the County that could be reused.

POLICY V: Cooperate with preservationist, developers, school districts and residents to seek appropriate reuse of public and private facilities.

1. Inventory and assess the condition of existing vacant buildings.
2. Implement more flexible or alternative building codes that encourage reuse.
3. Distribute the inventory to organizations involved in real estate marketing, economic development and housing.
4. Examine and revise zoning ordinance as necessary to allow appropriate reuse of structures.
5. Seek funding for rehabilitation and reuse of vacant structures.
6. Provide alternative building code solutions to firms or organizations seeking to revitalize vacant structures.

ISSUE VI: Subdivision review, zoning applications, and other development permit review are not always conducted in a streamlined and timely manner.

POLICY VI: The City and County shall provide a streamlined, timely and consistent review of all applications

1. The City and County subdivision regulations shall be revised to include procedures for the expedited review and approval of subdivision plats in accordance with 76-3-505, MCA.
2. Revision to zoning ordinances and subdivision regulations shall be implemented in accordance with this Growth Policy. New ordinances and regulations shall give consideration to the preferences of the development community and the general public.
3. Make permit application forms available on the websites in MS Word® format in addition to .pdf format.
4. Through the Development Process Advisory Review Board (DPARB), the City and County will continue an open dialogue with developers and applicants to address concerns about submittal, review, and approval procedures and standards.
5. The Planning Board shall delegate to the Planning and Community Service Department staff its responsibility to advise the governing bodies on proposed first minor subdivisions from a tract of record.
6. Revise subdivision regulations to include a standardized Subdivision Improvements Agreement format.

Implementation Strategies: Cultural and Historic Resources Element

ISSUE I: Historic landmarks and structures are being lost to neglect and development.

POLICY I: Enable the Yellowstone Historic Preservation Board to coordinate preservation activities throughout the County.

1. The City and County will assist the Board in implementing their annual work plans.
2. Maintain a detailed inventory of historic properties and cultural resources.
3. Encourage the placement of public buildings on The National Register.

ISSUE II: The public desire for art is significant but unmet. The Horse of Course project was a huge success which demonstrated a strong desire for public art.

POLICY II: Regard public art as public infrastructure.

1. Prepare a strategic plan for development of a Public Art Program.
2. Through the strategic planning process, identify ways to include public art or monumentation for major commercial subdivisions located along arterial streets.
3. Encourage promotional events that incorporate public art throughout the City.
4. Inventory private and public properties where public art can be viewed and donate space to local organizations and artists for approved public art displays.
5. Request a set aside from governing bodies for funding public art on all Capital Fund projects.

1 In 2002, this was \$26,725.00.

5.2 Capital Improvement Strategy

Introduction

Capital improvements are considered development, maintenance or replacement projects that are in excess of \$25,000. They include, but are not limited to water and sewer systems, wastewater treatment facilities, park improvements, solid waste facilities, fire protection facilities, roads and bridges. The City of Billings and Yellowstone County differ in their strategies to plan for capital improvements. The City's capital improvement strategy focuses on a public involvement process to identify and prioritize projects. The result of this process is an annually updated Capital Improvements Plan. The County's strategy is less formal and relies on internal input from departments to identify capital projects that may be funded for the current year. There are other entities within the County that are responsible for public capital improvements and each have its own funding sources and capital improvement planning process.

City of Billings

The City adopted its current approach to capital improvements planning in 2001. The approach relies on public input to identify capital projects, internal review and analysis, and City Council approval. The procedure generally begins in the beginning of the current fiscal year and the Capital Improvements Plan (CIP) is finalized at the end of the budgeting process for the following year. Initially, the projects are selected by participants at several public meetings held throughout the City. The planning for FY02-07 began in 2002 and generated 63 initial projects. From the initial list, the projects are prioritized through further public input and the top choices are forwarded to the CIP Team to be evaluated and further prioritized. The CIP Team is composed of department representatives and the members change from year to year. Each of the projects on the short list is ranked by the affected City department, CIP Team and finally the City Administrator. CIP rating

criteria help establish the order of priority. The FY 2003 through 2007 CIP resulted in fifteen projects as follows:

1. Cobb Field
2. Amend Park Improvements
3. Fire, Police and Recreation Facility to serve recent annexations
4. Aquatics Facilities
5. 25th Street Bridge
6. West End Park
7. and 8. Annandale Road Improvements and Left Turn Lane on Hilltop & Nutter
9. through 12. Skate Parks in Downtown and West End, Moore Lane Improvements, Storm Drainage Alkali Creek and Optimist Park, U.V. Disinfections System
13. Zone 6 Pump Station
14. Purchase Western Savings Property
15. Descro Park Trail

Part of the CIP process is the equipment replacement program. This program covers all equipment with a value of more than \$5,000 and a useful life of 3 years or longer. The program is incorporated into the CIP as a separate subset.

In 2002, public participants of the CIP process were asked to complete an evaluation of the program. The program evaluations indicated that the majority of those in attendance at the final public input meeting thought the process was good to excellent at encouraging public input and good to excellent at gathering project ideas. The participants also agreed that the process was able to fairly represent and evaluate each project for its merit when considered among all of the CIP projects. Many of the surveys indicated that the participants were optimistic about the process; however, they qualified their enthusiasm by suggesting that the true effectiveness of the plan will be determined when the projects are actually completed.

Yellowstone County

The County Commissioners evaluate and prioritize capital improvement requests received from County departments during their budgeting process. Other than the road and bridge projects, capital improvements are funded through the Capital Projects Fund. Funds are usually accumulated to provide funding for replacement or major maintenance of buildings or equipment. The County Public Works Department is responsible for scheduling major road and bridge projects. Other public entities throughout the County are responsible for community sewer, water, fire and school capital improvements.

The County has two water district (Heights and Ballantine) and four sewer districts (Worden-Ballantine, Lockwood, South Hills, Custer). Districts are administered by boards and have the authority to assess users for needed construction, repairs and maintenance. Other districts with taxing authority include schools and fire districts. These entities prepare capital improvement plans for their facilities and equipment.

5.3 Evaluation Timeline

Yearly Activity Review

One of the key elements to the Growth Policy is implementing the recommendations to meet the goals and objectives. Since the document is required to be updated every five years, having a guideline for implementation over that period is essential. Some of the goals and objectives will be addressed as part of the ongoing Work Program of the Planning and Community Services Department. For example, the Land Use Element goal of affordable housing is within the strategic plan of the Community Services Division, and the transportation goals will be included in the 2003 update of the Transportation Plan. Some of the goals and objectives will be addressed with existing resources. For example, the position of an Alternative Modes Coordinator is focused on the trail goals in the Open Space and Recreation Element and the City and County Public Works Departments are developing a plan to decrease contamination in stormwater runoff that addresses the clean water goal in the Natural Resources Element.

It is anticipated that the yearly work programs and resources of all City and County departments will reflect activities directed toward implementing the Growth Policy. Each year during the budget cycle, the Planning and Community Services Department will review those work programs for implementation strategies and make a report to the governing bodies.

Five Year Review and Timeline

As noted, communities are required to review their Growth Policies every five years. The purpose of the review is to determine what changes need to be made to the document to keep it current, and to make sure it continues to reflect community goals and objectives. However, the Growth Policy can be amended at any time in the five-year period if major changes take place in the community such as a citizen-initiated amendment, a significant budgetary change, or a considerable change in policies of the governing body.

Any revision to the Growth Policy must be directed by a criteria for review. Whether this occurs at the formal review every five years, or within the five year time frame, the review criteria must be consistently applied. The following criteria for review will be used to warrant revisions:

- Major changes in existing conditions or projected trends
- Basic alterations of best practice standards
- Modifications in the legal requirements a Growth Policy must meet
- Successful completion of a strategy meeting goals and objectives
- Citizens desire for changes to the Growth Policy
- Changes in community direction and goals
- Adoption of a plan inconsistent with the Growth Policy

Process

Based on the review criteria, if the City and County conclude a Growth Policy revision is warranted, the staff will conduct research and prepare draft revisions. An assessment of the proposed revisions should be prepared including the impacts of the revisions, a timeline for implementation of any new goals and objectives and a list of strategies for implementation.

In order for revisions to be consistent with state statute, a public hearing before the Planning Board is required. The degree of public involvement will depend on the scope of the proposed revisions. After the public hearing, the Planning Board will make recommendations to the governing bodies regarding the revisions. The governing bodies will then act to adopt revisions or amendments.

5.4 Interjurisdictional Coordination and Cooperation

Introduction

State law requires that this Growth Policy include a statement on how the governing bodies will coordinate and cooperate with other jurisdictions in matters related to the growth policy¹. Coordination of planning matters between Yellowstone County and the City of Billings is carried out primarily through the Yellowstone County Planning Board. The jurisdiction of this board is the entire County, including the City of Billings and Town of Broadview but not including the City of Laurel planning jurisdiction. This countywide jurisdiction enables the Planning Board to coordinate policies with the County Commissioners and the City Council.

Coordinated Planning in Yellowstone County

The history of coordinated planning in Yellowstone County goes back approximately sixty years. Based on records kept in the Planning Department, there has been some form of a joint planning board since the early 1940s. The most recent Planning Board structure was authorized through an interlocal agreement adopted in 1984 and amended in 1990 and again in 1995. The interlocal agreement establishes the administrative and financing responsibilities of each jurisdiction, the relationship of the Planning Board to the governing bodies and the relationship of the Planning Board and Planning Department Director and staff.

There are fifteen members on the County Planning Board; seven are appointed by the County Commissioners, five are appointed by the Mayor of Billings, one member is appointed by the County Commissioners from the governing board of the Yellowstone County Conservation District, and two members are ex-officio non-voting representative of School District No. 2 and the County Superintendent of Schools. Board members serve 2-year terms. The duties and responsibilities of the Planning Board are described in the By-Laws, last

amended in 2002. In addition to other duties, the Board is responsible for developing a Growth Policy for the Board's jurisdiction.

In 1991, the City of Billings, Town of Broadview, and Yellowstone County adopted the first county-wide comprehensive plan: The 1990 Yellowstone County Comprehensive Plan. Until then, the City and County developed separate planning documents. The Comprehensive Plan established goals and objectives and addressed separate City and County issues, as well as joint issues that involved both the City and County.

The Yellowstone County Planning Board, as the designated Metropolitan Planning Organization, is also charged with the responsibility for transportation planning for the Billings Urban Area. To accomplish this, the Commission prepares a Unified Planning Work Program (UPWP) each year that contains a discussion of projects to undertake during the upcoming program year. It also contains appropriate funding information, staffing information, and a schedule for each project. The UPWP is supplemented by a 5-year Transportation Improvements Plan (TIP). The TIP is a fiscal planning program for federally assisted highway and transit improvements for the Billings urban area. Approximately every ten years, the MPO is responsible for drafting a Transportation Plan that assesses the transportation needs of the Billings Urban Area and recommends actions to address those needs. The most recent Transportation Plan was adopted in 2000.

The City and County conduct transportation planning together for the Billings urban area. Two committees, the Policy Coordinating Committee (PCC) and Technical Advisory Committee (TAC), were created through a Memorandum of Agreement signed by the City, County, County Planning Board, and the Montana Department of Transportation. The PCC is responsible for directing transportation policy for the study area and the TAC provides technical advice to the PCC.

In addition to the 1990 Comprehensive Plan and the 2000 Transportation Plan, there have been a number of other plans adopted by both the City and County to address common issues. These plans include the South Billings Boulevard Master Plan and entryway zoning regulations (1993), Yellowstone River Greenway Master Plan (1994), 1995 BikeNet Plan (1995), and the West Billings Master Plan (2001). With the exception of the 1990 Yellowstone County Comprehensive Plan, this growth policy does not supercede existing plans or their updates, unless otherwise stated. The 2003 Yellowstone County – City of Billings Growth Policy refers to and is consistent with the plans listed above.

Ongoing City and County Planning Coordination

There are a number of other coordinated efforts to address common issues, primarily for the Billings urban area. As a joint City-County office, the Planning and Community Services Department administers all planning programs for both jurisdictions. Additional city-county coordination on planning issues includes the following:

- Subdivision proposals adjacent to the City limits are reviewed by both City and County agencies. Subdivision proposals are also reviewed by state agencies when applicable for such issues as impacts on wildlife and wildlife habitat, wildfire hazards, transportation, as well as other issues.
- The City and County have a joint Health Department that is responsible for public and environmental health programs in both jurisdictions. The City-County Health Department's water quality and sanitation programs have strong links to land use and transportation planning in Yellowstone County.
- The City of Billings, City of Laurel, Yellowstone County, and the Crow Indian Tribe entered into an interlocal agreement for historic preservation. This agreement created the Yellowstone Historic Preservation Board and Certified Local Government. This board reviews and implements various policies for historic, archeological, and cultural preservation issues throughout

Yellowstone County. Each governmental agency has representation on this board.

- The Yellowstone County Air Quality Board serves both the City and County through a Memorandum of Agreement to address local air quality issues.
- The City Fire Department has a contractual agreement with the Billing Urban Fire Service Area (BUFSA) to provide fire suppression and first response services. The Department also contracts equipment and labor to the Montana Department of Natural Resources for wildfire suppression in times of need. The Department also has mutual aid agreements with Cenex Refinery, ConocoPhillips Refinery, ExxonMobile Refinery, Lockwood Fire Department, Billings Logan International Airport Aircraft Rescue Firefighting, and the Laurel Volunteer Fire Department.
- Subdivision, zoning, floodplain administration, permitting, and enforcement programs rely on strong collaborative efforts with other departments in the city and county, as well as with state and federal agencies.
- The City, County and State share Geographic Information System Resources pursuant to a Memorandum of Understanding. Based on this agreement, the Montana Department of Revenue shares property ownership and tax information with the Yellowstone County Information Systems Department. In return, the County maintains the City and County parcel coverage with the assistance of the City of Billings.

Strategy for Future Cooperation

The City and the County will continue to improve their cooperative relationships by maintaining a joint City-County Planning Board and continuing the existing cooperative agreements. The Planning Board and existing coordinating organizations will strive to implement this Growth Policy equitably, openly, and for the benefit of all residents.

¹ 76-1-601 (2)(f), MCA.

5.5 Subdivision Review

Policy and subdivision review

Every county, city and town is required to adopt and enforce subdivision regulations that provide for the orderly development of their jurisdictional areas 76-3-501, MCA. The Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA) specifies the purpose and minimum requirements of the subdivision regulations. It is incumbent on the local governing body to adopt regulations consistent with this law and to review subdivision applications in accordance with the criteria provided in 76-3-608(3)(a), MCA.

1. The effect on agriculture
2. The effect on agricultural water user's facilities
3. The effect on local services
4. The effect on the natural environment
5. The effect on wildlife and wildlife habitat
6. The effect on public health and safety

This chapter presents both definitions of the review criteria and describes how these criteria are to be used to review subdivisions.

Primary Review Criteria

A growth policy is required to include a statement explaining how the governing bodies will define agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety and describe how these items will be used in the evaluation and decisions of a subdivision proposal (76-601(2)(h), MCA). The following section provides detailed definitions of the primary criteria and how the criteria will be applied in subdivision review.

Each subdivision proposal shall be evaluated based on its effect on certain factors expressed in this Growth Policy and implemented through the City and County Subdivision Regulations. The evaluation factors specify what effects should be considered at

the time of subdivision review. The degree to which these effects play a role in subdivision approval and denial will be dependent on 1) whether the effects are allowed by existing laws and regulations, and 2) whether the effects can be reasonably mitigated.

Agriculture

Definition

Agriculture means the use of land for growing, raising, or marketing of plants or animals to produce food, feed, and fiber commodities. Examples of agricultural activities include, but are not limited to, cultivation and tillage of the soil; dairying; growing and harvesting of agricultural or horticultural commodities; and the raising of livestock, bees, fur-bearing animals, or poultry. Agriculture does not include gardening for personal use, keeping of house pets, kenneling, or landscaping for aesthetic purposes. The definition of agricultural land also includes land considered by the Natural Resources Conservation Service to have a soil of agricultural importance and lands devoted to a soil conservation or rangeland management program.

Evaluation Factors

1. The amount of agricultural land removed from production shall be considered.
2. The amount of agricultural land with soil considered prime or having statewide or local importance by the Natural Resources and Conservation Service shall be considered.
3. Subdivision review shall consider the potential conflicts between the proposed subdivision and adjacent agricultural operations, including:
 - a. Interference with the movement of livestock or farm machinery
 - b. Maintenance of fences
 - c. Proliferation of weeds
 - d. Harassment of livestock by pets
 - e. Odors
 - f. Visual quality

4. It shall be determined whether the proposal is located within the Urban Planning Area or in the “Sphere of Influence” as defined by the City’s Annexation Policy.

Agricultural Water User Facilities

Definition

Agricultural water user facilities shall mean those facilities which provide water for agricultural land or provide water for the production of agricultural products. These facilities include, but are not limited to ditches, canals, pipes, head gates, tanks, drains, reservoirs, ponds and developed springs used for agricultural purposes.

Evaluation Factors

1. The location and proximity of an agricultural water user facility shall be considered.
2. Potential conflicts between facility users and subdivision residents shall be evaluated.
3. The rights of all water right owners and users of the facility shall be considered.

Local Services

Definition

Local services means any and all services provided to the public by local government entities or public utilities such as transportation systems, including non-motorized facilities, parking, law enforcement, fire protection, drainage structures, water supply, sanitary sewage disposal, solid waste disposal, recreation, parks, libraries, or schools.

Evaluation Factors

1. Subdivision review shall consider the goals and objectives of existing plans.
2. Subdivision review shall consider increased demand on services and need to expand services as a result of the proposal. Lack of adequate service capacity and capability of a local service may be grounds for denial if the situation cannot be mitigated by the applicant.

3. The cost of providing services shall be evaluated by determining the per capita or per lot cost of services and current and anticipated tax and fee revenue.

Natural Environment

Definition

The natural environment means the physical, chemical, and biological factors that exist within or influence a geographic area or community. These factors include, but are not limited to, geology, soils, topography, climate, surface water, groundwater, floodplain, vegetation, and objects or places of cultural, historic, or aesthetic significance.

Evaluation Factors

1. Review of the subdivision shall consider the degree of impact to the following environmental features:
 - a. Riparian or wetland areas
 - b. Vegetation cover or type
 - c. Noxious weeds
 - d. Important or sensitive natural habitats
 - e. Surface and groundwater quality
 - f. Stream bank stability
 - g. Erodible soils
 - h. Cultural and historic landmarks
2. The amount of appropriate open space preserved for natural resource conservation shall be considered.
3. Results of water and sanitary facility inspection for all lots shall be considered.
4. Subdivision review shall also evaluate the amount of cuts and fill on slopes as a result of road or building construction.

Wildlife and Wildlife Habitat

Definition

Wildlife means animals that are not domesticated or tamed. Wildlife habitat means an area containing the complex of environmental conditions essential to wildlife for feeding and forage, cover, migration, breeding, rearing, nesting, or buffers from those areas. It also includes areas essential to the conser-

vation of species protected by the Endangered Species Act or of special interest or concern to the State of Montana.

Evaluation Factors

1. The presence and potential destruction of wildlife and wildlife habitat shall be considered in subdivision review.
2. Subdivision review shall consider the potential for human-wildlife conflicts or unhealthy encounters.
3. The amount of wildlife-friendly amenities, such as preserved open space, enhanced habitat or wildlife protection devices shall be considered in subdivision review.

Public Health and Safety

Definition

Allowable standards established by Federal, State and local policies, codes, and regulations shall be the primary means for defining the limits of acceptable public health and safety. Any variance from these standards shall be reasonably mitigated and approved by the governing body.

Evaluation Factors

The subdivision review shall consider all potential hazards to residents of the subdivision from high voltage lines, high-pressure gas lines, highways, railroads or railroad crossing and nearby industrial or mining activity.

Any creation of public health or safety hazards by the subdivision, such as traffic or fire conditions, contamination or depletion of groundwater supplies, accelerated stormwater runoff, widening or existing floodplain or flood hazard area must be considered in subdivision review.

Public Hearing Process

As part of the major subdivision preliminary plat review process, a public hearing is required. The requirement for a public hearing is not applicable to the first minor subdivision of a tract of record. State law requires the governing body or its authorized agent to conduct the public hearing. Both the Board of County Commissioners and the City Council have relinquished that task to the County Planning Board. An outline of the public hearing process adopted by the Planning Board can be found in the By-Laws of Yellowstone County Board of Planning, as amended. The following hearing process is reproduced in its entirety from Section 5 of the By-Laws.

SECTION 5: PUBLIC HEARINGS

The Board shall cause to be published a Notice of Public Hearing containing the date, time, location and purpose pursuant to statutory requirements in a newspaper of general circulation for each hearing held by the Board.

A. Public Hearing for Subdivisions

1. When a preliminary plat application is set for a public hearing pursuant to a public notice, the matter shall be heard even though no one in favor or in opposition to the application appears at the hearing, unless the Board has received a written request from the subdivider, twenty-four (24) hours prior to the public hearing, to continue such hearing at a later time due to good and sufficient reason, or to withdraw or postpone the application for reasons approved by the Board.
2. Each person who speaks at the public hearing shall stand and furnish his/her name and address to the Board and shall thereby become a part of the record.
3. Each preliminary plat application shall be heard in the following order:
 - a. A Planning Department staff member shall summarize pertinent data and present or amplify the recommendations of staff and department heads.

- b. The applicant, or his/her representative shall present the application to the Board and summarize the proposed subdivision and, if applicable, provide information on the following criteria of public interest:

1. Effects on Agriculture
2. Effects on Local Services
3. Effects on Natural Environment
4. Effects on Wildlife and Wildlife Habitat
5. Effects on Public Health and Safety

In addition, the Board shall determine compliance with local regulations and the Transportation Plan and Yellowstone County Comprehensive Plan.

- c. Persons in favor or opposed to the application shall be heard or written comments received up and until the time of the close of the public hearing.

B. Other Public Hearings

1. All other public hearings shall be conducted in accordance with the following procedure unless the Board determines by majority vote to follow some different procedure:
 - a. The Board shall first hear a report on the subject item from the Planning Department staff, which report may include a recommendation as to the action to be taken by the Board.
 - b. The Board shall then hear and/or receive written or oral statements from the public, in the following order:
 1. Proponents of the proposal.
 2. Opponents of the proposal.
 3. Members of the public who, being neither proponents nor opponents of the proposal, wish to make a general statement or comment regarding the same.
 4. The Board shall then hear any brief rebuttal to previous comments, testimony or statements.
 5. The Board shall then hear brief final comments, statements or recommendations, if any, from the Planning Department staff.
 6. Any person wishing to speak a second

time may do so only during the proper course of the proceedings, only after all persons wishing to speak have been heard and only with the permission of the President or the approval of the majority of the Board members.

2. Prior to hearing and/or oral statements, comments, or testimony from the public, the Board may, by majority vote, impose reasonable and prudent limitations of the time allotted for each person's oral statement, comment, or testimony.
3. The Board or any member thereof, may at any time question any person about his/her statements, comments, or testimony.
4. After hearing any and all statements, comments and testimony as above-provided, the President shall close the public testimony portion of the hearing. After closure, and after such discussion as may be appropriate, the Board may vote upon a recommendation for the item under consideration.
5. Subject to any time constraints imposed by law, the Board may, at any stage of a public hearing or proceeding, continue the same to a later date in order to allow or facilitate full public participation, to obtain additional information, to properly consider or deliberate any matter, or for any other lawful reason. The case of such continuance, the time and place of all further proceedings in regard thereto shall be immediately fixed and announced to the Planning Department staff and the public, in which case no further legal notice of hearing need be given.

C. Informal Hearings

The Board may, by majority vote, follow some other procedures for the conduct of hearings.